

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA

Richmond Division

MITCHELL PERKINS,

Plaintiff,

v.

Case No. 3:10CV00449

THE BANK OF NEW YORK MELLON, et. al.,

Defendants.

THE HONORABLE JOI TAYLOR'S MOTION TO QUASH

The Honorable Joi Taylor, by counsel and pursuant to Rule 12(b) (5) of the Federal Rules of Civil Procedure, respectfully moves this Court to quash the alleged service of process on Judge Taylor and dismiss Judge Taylor for insufficient service of process. In support of her Motion, Defendant relies on her Memorandum in Support of Motion to Quash Pursuant to Fed. R. Civ. P. 12(b) (5) filed with this Motion.

**I. "ROSEBORO NOTICE"**

Consistent with the requirements of *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the following advises the *pro se* plaintiff herein, Mitchell Perkins, that:

(1) he has the opportunity to file a response opposing the Motion to Quash. Any such response must be filed **within twenty (20) days** of the date on which the Motion to Quash was filed;

(2) the Court could dismiss this action on the basis of the Defendant's moving papers if he does not file a response;

(3) he must identify all facts stated by Defendant with which he disagrees and must set forth his version of the facts by offering affidavits (written statements signed before a notary public under oath) or by filing sworn statements (bearing a certificate that is signed under penalty of perjury); and

(4) he also is entitled to file a legal brief in opposition to the one filed by the Defendant herein.

Respectfully submitted,

**THE HONORABLE JOI TAYLOR**

By:                     /s/                      
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\*Counsel of Record

**CERTIFICATE OF SERVICE**

I hereby certify that, on this 18th day of August 2010, I will electronically file the foregoing with the clerk of the court using the CM/ECF system and sent a true copy via U.S. Mail to the following:

Mitchell Perkins  
4307 Third Street  
Richmond, VA 23223  
**Pro se plaintiff**

By: \_\_\_\_\_/s/\_\_\_\_\_  
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